

In regard to claim 1, although applicant does not agree that Patel clearly discloses an emulsifier, or that Patel's product, if sealed into a container, would inherently have a shelf life of at least six months if maintained above 10°C, nonetheless applicant has amended claim 1 to clearly distinguish applicant's invention from Patel.

Applicant now recites in claim 1 between 3.000% to 10.000% parts by weight of alkali metal silicate solids. [Claim 10 recites 7.500% to 25.000% parts by weight sodium silicate solution (40% solids content.)]

Patel clearly teaches that the silicate is to be used in 0.001 to 1.0 parts by weight per 100 parts by weight of the water proofing sealer, column 3 lines 60-62. Patel's Summary of the Invention section teaches about 0 to 0.5 parts by weight of alkali silicate, column 2, line 52. Patel, thus, teaches away from applicant's aqueous chemical mixture to mitigate water associated problems in concrete having applicant's range of alkali silicate and having applicant's beneficial qualities, including a practical shelf life and tests showing dramatic improved resistance to repeated freeze/thaw cycles.

Respectfully Submitted,

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Date



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